

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
August 25, 2008 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, August 25, 2008 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson, County Attorney David Neumann and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times*: Mark Todd

There were approximately 40 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:03 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting and thanked them for participating in their County government.

PUBLIC HEARING

CDBG – ECONOMIC DEVELOPMENT ENTREPRENEURIAL INCUBATOR PROJECT

Karen Kiehna with the Land of Sky Regional Council updated Commissioners on the CDBG Economic Development Entrepreneurial Incubator Project. Ms. Kiehna served as the administrator for this project. She explained that this project included three phases. The first phase of the project was the successful completion of an entrepreneurial education course developed in conjunction with Blue Ridge Community College. The second phase was the start up of web design and web assistance for many of the same individuals that participated in the entrepreneurial education course. The third and final phase was to create an incubator facility for those individuals to utilize as they develop their small businesses. The facility is part of Blue Ridge Community College. It is approximately 4,000 square feet with some flexibility in the interior wall spacing to accommodate the individual businesses. The approximate space per occupant is 125 square feet. The proposal is to accommodate 12 to 15 occupants within the facility in any one period of time. From this point forward, all of the efforts will be managed by Blue Ridge Community College under the direction of Gary Heisey. The County's role in this project is complete. Over the next few years, Blue Ridge Community College will make specific reports to the State to confirm that the process is moving forward and to track the

number of individuals that are utilizing the facility and the number of small businesses that are being developed.

Chairman Chappell declared the Public Hearing open at 7:05 p.m. Chairman Chappell noted that the dedication of the facility will be held October 1, 2008. There being no comments from the public, **Chairman Chappell declared the Public Hearing closed at 7:06 p.m.**

2009 REVALUATION SCHEDULE OF VALUES

Tax Assessor David Reid presented the 2009 Revaluation Schedule of Values to Commissioners at the August 11, 2008 Board meeting. This Public Hearing is being held according to North Carolina General Statutes. Mr. Reid noted that copies have been posted for public inspection at the Tax Office, County Administration, and the Library. Counties must adopt a Schedule of Values in order to move forward with the revaluation process.

Chairman Chappell declared the Public Hearing open at 7:08 p.m. There being no comments from the public, **Chairman Chappell declared the Public Hearing closed at 7:09 p.m.**

PUBLIC COMMENT

Terry Rice: Mr. Rice reminded Commissioners of the petition of approximately 4,500 signatures of people opposed to the Noise Ordinance he presented at the August 11, 2008 meeting. He said those people deserve a response from Commissioners regarding the Noise Ordinance. He asked Commissioners to respond. Commissioners offered no comments.

Wayne Thomas: Mr. Thomas spoke in favor of the erosion control amendments at the August 11, 2008 meeting. He volunteered his services to the County as an informed citizen to help educate other citizens. He requested that Commissioners send the erosion control amendments back to the Planning Board for further review.

James Keenan: Mr. Keenan urged everyone in the audience and the Commissioners to use civility and honor the ideas and presentations of folks who appear before these Board meetings. He said he is disappointed at some of the behavior from past meetings. He asked everyone to be civil in their disagreements.

AGENDA MODIFICATION

The Manager reported on the Agenda modifications. He requested to add Item D, Utility Easement for Citizens Telephone Company, under New Business and to move the Manager's Report down in succession.

Commissioner Phillips moved to approve the revised Agenda, seconded by Commissioner Bullock and unanimously approved.

CONSENT AGENDA

Commissioner Hogsed moved to approve the Consent Agenda, seconded by Guice and unanimously approved.

The following items were approved:

MINUTES

The Minutes of the August 11, 2008 Regular Meeting and sealed Closed Session were approved. The Closed Session Minutes of the September 25, 2005 Meeting were approved and unsealed.

FACILITIES USE REQUESTS

The use of the large courtroom by the Chamber of Commerce for a candidate forum on Tuesday, October 7, 2008 from 6:00 p.m. to 10:00 p.m. was approved.

APPROVAL OF DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for July 2008 was approved.

PRESENTATIONS/RECOGNITIONS

ANNUAL REPORT – TRANSYLVANIA COMMUNITY HOSPITAL

Bob Bednarek, President and Chief Executive Officer of Transylvania Community Hospital (TCH), presented the 2007 Annual Report to Commissioners. Each year he comes before the Board to report on the contributions the hospital makes to the community. TCH is a nonprofit organization and any profits are put back into the healthcare team, the facilities, new technology, and new services.

Mr. Bednarek reported that TCH serves Transylvania County as well as adjacent counties. On October 1, 2008 TCH will be changing its name to Transylvania Regional Hospital. Their goal is to make sure services are extended to neighboring counties and communities. TCH is the hub of the healthcare system in Transylvania County and the safety net provider of healthcare services. TCH provides services 24 hours per day, 7 days a week, regardless of one's ability to pay. Mr. Bednarek highlighted several new programs at TCH.

Mr. Bednarek reported that several new doctors have been recruited to the community. He highlighted several of the new positions. TCH's mission is to make sure there are physicians in the community. One of the strategic measures used to recruit physicians was integration. They pulled physicians into the nonprofit corporation and aligned the physician incentives with the hospital incentives in order to serve the community better for the long term. Mr. Bednarek said he hopes this will be a model that continues to attract young physicians.

As the safety net provider, TCH provided \$1.6 million of charity care. There is an additional \$3.6 million of outstanding bills that people in the community are unable to

pay. 7,800 people in the community received charity care, or patient assistance, last year, many of which are not insured or underinsured. The total value of TCH's contributions to the community is over \$4.2 million through charity care, preventive care, screenings, donation of time and service, and its absorption of uncollected charges.

Mr. Bednarek announced that a dialysis center will be opening in Brevard next year. TCH worked collaboratively with Health Director Steve Smith to help make this a reality. TCH will be offering space for the dialysis center through a lease arrangement. TCH has also worked collaboratively with the County Manager and Mr. Smith to assist mental health providers in the community to make sure the citizens' needs are met. Mr. Bednarek reported that TCH has had approximately 18,000 emergency room visits this year. Emergency room visits are directly proportionate to the number of ambulance visits. Ambulance transportation is a County function. Mr. Bednarek is working with the County Manager and EMS to help understand the needs of ambulance transportation. They will be reporting to the Board next year on their findings.

Mr. Bednarek thanked Chairman Chappell for meeting recently with representatives in Washington, D.C. regarding the needs of the hospital.

Mr. Bednarek reported that the government has mandated that all hospitals participate in a patient satisfaction survey. TCH ranked at the top of the list in terms of patient satisfaction. This shows that people appreciate the services TCH provides.

TCH is now the largest employer in the County with 636 employees which translates to a \$22 million per year salary impact in the community from an economic perspective. They have 55 doctors all of whom are board eligible or board certified. Mr. Bednarek further highlighted some of the services they provide. Mr. Bednarek said they continue to face challenges; however they look forward to continuing to fulfill their mission as they become Transylvania Regional Hospital.

Commissioner Hogsd thanked Mr. Bednarek for his report as well as the services TCH provides to the community. TCH is respected throughout the region because of the job they do.

Commissioner Guice pointed out that TCH has a number of volunteers that donate many hours which has contributed to the hospital's success. He commended Mr. Bednarek for his leadership and the time he has given to help other groups in the community. Mr. Bednarek commented that for a community to be healthy it must have a healthy economy and a workforce that is gainfully employed which is a fundamental part of health that is often times forgotten. An increasing workforce lowers the demand for charity care and bad debt. People can also access preventive care and take care of themselves earlier if they have the right type of benefits.

APPOINTMENTS

WORKFORCE DEVELOPMENT BOARD

Chairman Chappell moved to waive the term limits and reappoint William Ragland, seconded by Commissioner Phillips and unanimously approved.

SENIOR VOLUNTEER SERVICES ADVISORY COUNCIL (LOSRC)

Commissioner Guice moved to appoint Sandra Griffin, seconded by Commissioner Bullock and unanimously approved.

AREA COUNCIL ON AGING

Commissioner Phillips moved to appoint Emily Stewart, seconded by Commissioner Hogsed and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Hogsed moved to appoint Shelley Greene to fill a vacant term, seconded by Commissioner Guice and unanimously approved.

NEW BUSINESS

REQUEST FOR ADDITIONAL BUOYS FOR LAKE TOXAWAY

County Planner Mike Thomas reported that the Lake Toxaway Property Owners Association has requested to go through the rulemaking process with the North Carolina Wildlife Resources Commission to place additional buoys on Lake Toxaway. Last year they also presented a request to place buoys and markers on Lake Toxaway. The North Carolina Wildlife Resources Commission approved some of their request at that time.

Mr. Thomas and the Lake Toxaway Property Owners Association met with representatives from the Wildlife Resources Commission regarding the request. After their investigation, the Wildlife Resources Commission has agreed to be supportive of the request for additional buoys. Only the County Commission can officially make this request and they must pass a resolution in support of it. Mr. Thomas asked Commissioners to schedule the required Public Hearing for September 22, 2008 at which time he will make an additional presentation.

Commissioner Guice made a motion to schedule a Public Hearing on the request for two restricted zones on Lake Toxaway for Monday, September 22, 2008, seconded by Commissioner Hogsed and unanimously approved.

Chairman Chappell said it would be helpful to have the information from the North Carolina Wildlife Resources Commission indicating their support of this request. A member of the audience, Mr. Jack Matthews, commented that the Sheriff also supports the request from the Lake Toxaway Property Owners Association. Commissioners requested to have that information as well.

REQUEST FROM THE TRANSYLVANIA COMMUNITY ARTS COUNCIL

Commissioners have received a request from the Transylvania Community Arts Council to provide an annual appropriation of \$25,000 to help maintain the level of service to all the arts, arts organizations, tourism, economic development and the community at large. The Manager stated that normally requests of this nature are made during the budget cycle. Their request was not received during the budget process; therefore no funds have been allocated to them this fiscal year.

Chairman Chappell invited and allowed comments from the Transylvania Community Arts Council representatives.

Ms. Ellen Harris is the current past president of the Transylvania Community Arts Council. She said she is proud of the Arts Council and how it has served the County for over 25 years through various programs throughout the County and the school system. Ms. Harris reported that the Arts Council is struggling to provide programs solely on the basis of private monies. She requested financial support from the County.

Ms. Joan Van Orman is the current co-president of the Transylvania Community Arts Council and operates a gallery on West Jordan Street. She said the Arts Council provides artists with the necessary tools to understand the business aspect of their work. She also stated how instrumental the Fourth Friday Gallery Walks have been in getting the public to recognize businesses and artists in the community. The Transylvania Arts Promotion, which is a new endeavor under the direction of the Arts Council, stresses collaboration not only with the visual arts, but all performing arts. The Arts Council and a large volunteer group have created an arts website (www.artsofbrevard.org) which will showcase all arts events in the County and gives artists an opportunity to promote themselves. The Arts Council has also been working with the Senior Resource Network on a strategic plan. Ms. Van Orman asked Commissioners for their assistance in order to continue to provide the services to the art community.

Mr. Joe Bruneau is a past president of the Arts Council, an artist, and the manager of #7 Fine Arts and Crafts Cooperative Gallery on East Main Street. The gallery is cooperatively operated by 23 artist members and 5 volunteers and over the years has provided a place for 51 Transylvania County artists to sell their art work and be active in the community. Mr. Bruneau reported that #7 is approaching its tenth anniversary milestone next year, as well as its one millionth dollar mark in retail sales. When #7 opened, there was only one other gallery in Brevard. Today there are more than 10 galleries participating in the Fourth Friday Gallery Walks in which downtown businesses are open late and welcomes participation from all. Mr. Bruno said #7 is appreciative of the support from the Transylvania Community Arts Council. He asked that County Commissioners support their request for funding to continue their mission which is to enhance the quality of life in Transylvania County by celebrating and nurturing the creative spirit of artists, youth, and individuals throughout the County.

Ms. Jinks Ramsey said she believes the arts are one of the biggest reasons that Brevard is thriving today noting that the arts are the base of economic development in the County.

Ms. Ramsey said she is very proud to be associated with the Arts Council and she asked Commissioners for their support.

Ms. Paula Wesley is the financial manager of the Arts Council. She spoke on behalf of representatives from The Glass Feather Studio which is located in Cedar Mountain. She noted that their work is on display at the Smithsonian. The Glass Feather Studio is appreciative of the work the Arts Council does to promote all arts in the County.

Mr. Gordon Murray is the co-president of the Arts Council. He said he grew up in this community and his family has been associated with the arts for a number of years. Mr. Murray said Transylvania County is very close to becoming an art hub. He invited Commissioners to visit their website to see all the things the arts community has to offer. He said with some help they can continue to contribute to the economic development of Transylvania County.

Ms. Tammy Hopkins is the Executive Director of the Arts Council. She showed Commissioners an advertisement, citing that many of the small galleries can not afford an ad by themselves, so through collaboration, eight galleries and a restaurant came together to purchase a full page color ad, which can cost from \$800 to \$5,000. They worked together as a group to promote all the arts in the County. She reported that Blue Ridge Country Magazine named Brevard as the newest art hub in the State. They are going to do a feature article in their fall issue about arts in Brevard and Transylvania County. Southern Living Magazine will also feature the County in a future issue. Ms. Hopkins said the Arts Council is very excited about the impact this will have on tourism and economic development. She asked for the Board's support.

Chairman Chappell asked Ms. Hopkins if the Arts Council had approached the Tourism Development Authority (TDA) for funding opportunities. Ms. Hopkins replied that letters of request were sent to both the TDA and the Board of Commissioners.

The Manager reminded Commissioners that these requests are normally discussed during the budget process which he discussed with Ms. Hopkins. There are other potential funding sources available, including Economic Development. He also reminded Commissioners that they cut back on the amount of funding for Economic Development this year because the budget was so tight.

Commissioner Guice said the grants through the TDA are very small and he does not believe there is adequate funding available through them. He said he believes the Arts Council has a need and they do an exceptional job for the community. The County has appropriated funding for the Arts Council in previous years. With the impact that the Arts Council has on the school system and the business community, Commissioner Guice said an annual investment of \$25,000 is small in comparison. He said this is a request the County could authorize at this time, although he understands that normally these types of requests are discussed during the budget process. He also said he believes the Board should take exception and move forward with their request because of the favorable

impact they have on the economy. Commissioner Guice said he is supportive of their request.

Commissioner Hogsed said the arts have been a very important part of the community's culture for a long time, as well as in the mountain region. Unfortunately when times are tough, these are the first programs that are cut. The arts are an extremely important part of the economic development in Transylvania County. Commissioner Hogsed said it is important to keep these programs vital, including the programs they provide in the school system. He agreed with Commissioner Guice that the Arts Council's request is reasonable and much needed.

Commissioner Phillips said, while he agreed with the comments that have been made, during the budget session several items were not funded that were also very important. While he believes the Arts Council is a worthwhile program, he asked the Board to keep in mind that several items were not funded during the budget session that should have been funded.

Commissioner Bullock said the arts are important to the community and economic development. He explained that the County has a budget process and it is very early in the fiscal year to fund additional requests at this time. He said he may support their request later in the fiscal year, noting that because of the tough budget year several other items were not funded.

Chairman Chappell asked how much the County appropriated to the Arts Council in previous years. Finance Director Gay Poor reported that the County previously appropriated \$8,200 per year and was last funded in 2002. The Manager commented that the County funded the Arts Council for several years, but when the County experienced all the plant closures it reduced or unfunded most of the organizations that had requested funding.

Commissioner Guice stated that the County funded the Arts Council in the past because of the job they were doing in the school system and in the community. He recalled that their funding was cut due to the plant closures and the \$2 million shortfall the County was facing. However, this organization has continued to serve the schools and continued to grow. The Arts Council has also engaged the services of the Senior Resource Network in creating a strategic plan. Commissioner Guice said the benefit the County is receiving in terms of economic development and the impact on the schools is tremendous. He again said he believes the County can find the monies to help them. Commissioner Guice said he will work with the TDA to see if there is funding available also. He asked Commissioners not to shut the door on this issue and at least give him and staff the opportunity to bring this issue forth to the TDA.

Chairman Chappell said he would prefer the route of approaching the TDA first and finding out what they can offer the Arts Council. Ms. Hopkins responded that the maximum grant amount awarded through the TDA is \$2,000 for a two year period.

Commissioner Phillips agreed with Commissioner Bullock that Commissioners should consider their request later in the budget year.

Chairman Chappell said it would be helpful to have information from the Arts Council indicating how the funds would be utilized. Ms. Hopkins noted that the Arts Council only receives \$6,000 from the school system to fund arts programs, yet the program costs \$25,000 annually. Ms. Harris commented that many grants are available for new programs and new nonprofits, but not for maintaining successful programs. Ms. Hopkins added that the Arts Council has no funds to repair their heating and air conditioning.

Ms. Harris said the Arts Council is more than happy to share any financial information they have and how they spend monies. Commissioner Guice asked the Manager and Economic Development Director Mark Burrows to work with the Arts Council, along with the TDA, to come up with a plan to help address this issue and other issues that they may have. Chairman Chappell asked the Arts Council to provide the necessary financial information by the September 8, 2008 meeting and tabled this issue until such time.

EROSION CONTROL AMENDMENTS TO SUBDIVISION AND BUILDING REGULATIONS

A Public Hearing was held on Monday, August 11, 2008 regarding Erosion Control Amendments to the Subdivision and Building Regulations Ordinances. Many valid comments were made regarding the erosion control amendments during the Public Hearing. The Manager requested that Commissioners ask staff to review the comments from the Public Hearing with the Planning Board and ask the Planning Board to clarify the erosion control amendments and bring back to Commissioners for their consideration.

Commissioner Bullock said sedimentation control is very important; however the State already has laws in place to deal with erosion control as well as recommended practices and remedies to control sediment. He said he is not opposed to building inspectors making recommendations to property owners. He further stated that grading contractors are well educated in the area of erosion control measures. Commissioner Bullock suggested that the Inspection Department work with these contractors on how to include erosion control measures in the inspection process.

Commissioner Guice noted that the Planning Board unanimously agreed upon the erosion control amendments that were recommended to Commissioners. Citizens and Commissioners have several questions for the Planning Board about these recommendations. He recommended that the comments from the Public Hearing, along with any questions Commissioners may have, be forwarded to the Manager and then on to the Planning Board for their review and response. He further stated he would like to know what is driving the need for these amendments. Commissioner Hogsed agreed with Commissioner Guice and also suggested considering Commissioner Bullock's proposal.

Mr. Mason Sexton, Chairman of the Planning Board, stated the purpose of the erosion control amendments is to prevent pollution and sedimentation from entering the water supply system. The majority of the sediment comes from single lots. He said the

measures to implement erosion control are inexpensive, contrary to comments made at the Public Hearing. Mr. Sexton said the State only enforces measures on areas over one acre and they are reactionary. The County wants to be more proactive and protect its streams and rivers. He noted that part of County's Comprehensive Plan is to protect its natural resources. He said the Planning Board will review the comments and questions and respond to the Board of Commissioners quickly.

UTILITY EASEMENT FOR CITIZENS TELEPHONE

Citizens Telephone has requested that the County grant them an easement to bore underneath the Davidson River at the Convenience Center located in Pisgah Forest. The easement would be for an area that is not currently being utilized next to the river and is five feet from the Department of Transportation's right of way.

After discussion about conditions of the easement, **Commissioner Guice moved to approve the easement to Citizens Telephone, seconded by Commissioner Phillips and unanimously approved.**

MANAGER'S REPORT

The Manager reported the following:

- On October 9, 2008 at 1:00 p.m. a Public Hearing will be held at the Mills River Community Center regarding the reclassification of Boyleston Creek. The Department of Environment and Natural Resources will notify the property owners that will be affected by the reclassification.
- On October 1, 2008 Blue Ridge Community College will dedicate its new Applied Technology Building at 1:00 p.m. The Board of Trustees has requested to hold a joint meeting with Commissioners after the dedication to discuss their long range capital needs.
- Staff has received one of the leases for the property in Rosman. The second lease agreement should be completed this week.

PUBLIC COMMENT

Mike West: Mr. West stated the matter of economic development appears to be one of choice in this County. The County recently passed a Noise Ordinance that may prohibit businesses from coming into the County that could have a positive impact on the County. The County is also considering erosion control amendments that will drive up the cost of new construction which may keep potential residents from building. However, tonight the Board expressed an interest in assisting a nonprofit organization whose clients boasted of their own economic growth and who should be able to support the needs of the organization. Mr. West further stated that it is ironic that Commissioners have failed to see the economic impact of their actions, but have considered asking taxpayers in the County to fund an activity that is of economic value to only a few in Brevard. Commissioners quickly addressed the Arts Community but failed to give regress to citizens concerned about property rights.

COMMISSIONERS' COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Bullock moved to adjourn, seconded by Commissioner Phillips and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board